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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,176	11/26/2003	Pere Baleta	712001.1010	5760
24504	7590	01/20/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			LE, TOAN M	
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DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,176	Applicant(s) BALETA ET AL.	
	Examiner Toan M. Le	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 8 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 and 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Declaration filed on 11/10/05 under 37 CFR 1.131 is sufficient to overcome the Sunrise Telecom reference.

The Declaration under 37 CFR 1.132 filed 11/10/05 is sufficient to overcome the rejection of claims 1, 6, 7, 9, 16, and 17 based upon the Exhibits A, B, C, and D shown conception and actual reduction to practice of the invention prior to the effective date of the reference Sunrise Telecom.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziegler et al. (US Patent No. 6,801,307).

Referring to claim 1, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, the test unit comprising:

a rear module 7 (figures 1-2);

a front module 2 (figures 1-2) for controlling the test unit and processing performance information indicative of the performance of the data link (col. 2, lines 48-67); and

an application module electrically connected and mechanically secured between the rear module and the front module, wherein the application module is coupled to the data link and is

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configured to provide the performance information to the front module (col. 3, lines 1-33; col. 5, lines 66-67 to col. 6, lines 1-10).

As to claim 2, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, wherein one or more additional application modules is placed between the front module and the rear module (col. 3, lines 27-33; figure 1).

Referring to claim 3, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, wherein the front module has one or more ports for coupling to an external user interface 11 (figure 5) (col. 3, lines 42-54).

As to claim 4, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, wherein the external user interface is a personal computer (col. 3, lines 42-54; col. 4, lines 18-25).

Referring to claim 5, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, wherein the front module has a user interface (col. 2, lines 48-67; figure 1).

As to claim 6, Ziegler et al. disclose a method for providing a test unit to obtain performance information of a data communication link, the method comprising the steps of:

providing a back module 7 (figures 1-2) with a power source (col. 4, lines 26-54);

providing a front module 2 (figures 1-2) for controlling the test unit and receiving performance information (col. 2, lines 48-67);

selecting an application module adapted for monitoring the performance of one or more data links (col. 3, lines 1-33); and

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stacking the front module, application module, and back module in sequence and electrically connecting and mechanically securing the modules together so that the stacked modules form the test unit (col. 3, lines 1-41; figures 1-2) .

Referring to claim 7, Ziegler et al. disclose a system for providing a multifunction test unit, the system comprising:

a back module 7 (figures 1-2) having a power supply (col. 4, lines 26-54);
a front module 2 (figures 1-2) having control logic for controlling the system and processing performance information (col. 2, lines 48-67); and

two or more application modules secured between the back module and the front module wherein each of the application modules is adapted to provide performance information about a different type of communication link, wherein each application module furnishes performance information to the front module (col. 3, lines 1-41).

As to claim 9, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus the method comprising:

positioning a front module to receive an application module (col. 3, lines 1-12; figures 1-2);

placing a first application module on the front module and electronically coupling the first application module to the front module and then latching the application module to the front module (col. 4, lines 26-54);

stacking and latching one or more additional application modules to the first application module, thereby increasing the functionality of the test apparatus (col. 4, lines 26-54); and

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securing a back module to the last application module of the stacking step (col. 4, lines 55-67 to col. 5, lines 1-8).

Referring to claim 10, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus, wherein a bus structure between the front module and the back module is connected to each of the application modules (col. 4, lines 26-54).

As to claim 11, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus, wherein the bus structure comprises a protocol bus and a processor bus (col. 4, lines 26-54).

Referring to claim 12, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus, wherein the rear module has a rear battery pack (col. 4, lines 26-54).

As to claim 13, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus, wherein the front module has multiple connectivity ports (col. 2, lines 48-67; figure 3).

Referring to claim 14, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus, wherein the front module has a display panel (col. 2, lines 48-67).

As to claim 15, Ziegler et al. disclose a method of stacking and latching electronic modules to provide a test apparatus, wherein the display panel is a touch screen (col. 1, lines 18-30; col. 7, lines 15-16).

Referring to claim 16, Ziegler et al. disclose an application module that fits between a front module and a rear module, the application module comprising:

an interface circuit for coupling to a data communication link and receiving data from the data communication link (col. 2, lines 48-67);

a link processing circuit to convert the received data for transfer to the front module over a test unit bus (col. 3, lines 1-54); and

connectors on both sides of the application module to provide bus conductivity between the front and the rear module (col. 4, lines 26-54).

As to claim 17, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, the test unit comprising:

a first module having control logic (col. 2, lines 48-67); and

a plurality of removable application modules stacked on and communicatively coupled to the first module, the application modules configured to respectively perform different types of test on at least one data link (col. 3, lines 1-33; col. 5, lines 66-67 to col. 6, lines 1-10),

wherein the control logic is configured to receive diagnostic information from each of the application modules and to provide an output indicative of the diagnostic information (col. 2, lines 48-67).

Referring to claim 18, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, further comprising a segmented bus passing through each of the application modules, wherein each of the application modules is configured to communicate with the control logic over the segmented bus (col. 4, lines 26-54).

As to claim 20, Ziegler et al. disclose a telecommunication test unit for evaluating the performance of a data link, wherein the rear module has a battery for providing power to the application module (col. 4, lines 26-54).

Referring to claim 21, Ziegler et al. disclose a method for evaluating the performance of data links, comprising the steps of:

providing a telecommunication test unit having an output module (figures 1-2);
stacking at least a first application module and a second application module on the output module, each of the first and second application modules removable from the telecommunication test unit (col. 3, lines 1-41);
testing a first data link via the first application module;
testing a second data link via the second application module (col. 3, lines 1-26); and
outputting from the output module diagnostic information based on each of the testing steps (col. 3, lines 1-26).

As to claim 22, Ziegler et al. disclose a method for evaluating the performance of data links, further comprising the step of transmitting a portion of the diagnostic information from the second application module to the output module via a segmented bus, the segmented bus having a first segment on the first application module, a second segment on the second application module, and a third segment on the output module (col. 4, lines 26-54).

Allowable Subject Matter

Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for allowance of the claims 8 and 19 is the inclusion of support arm and adjustment arm and rod coupled to different slotted retainers so that provides a multiple viewing angles of the test unit.

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Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toan Le

January 12, 2006


MICHAEL NGHIEM
PRIMARY EXAMINER